



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 18, 1998

Mr. J. Middlebrooks
Assistant City Attorney
Criminal Law and Police Division
Office of the City Attorney
501 Police and Courts Building
Dallas, Texas 75201

OR98-1226

Dear Mr. Middlebrooks:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 116032.

The Dallas Police Department (the "department") received a request for "[t]he names, assignments and disabilities of police officers who are currently on permanent or temporary limited duty." You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section also encompasses information protected by other statutes. In Open Records Decision No. 641 (1996), this office determined that medical information obtained pursuant to the Americans with Disabilities Act of 1990 (the "ADA") 42 U.S.C. § 12101 *et seq.*, is confidential. *See also* 29 C.F.R. § 1630.14(b)(1) (providing that medical information "shall be collected and maintained on separate forms and in separate medical files and be treated as a confidential medical record"). The ADA provides that information about medical conditions and medical histories of applicants or employees must be (1) collected and maintained on separate forms, (2) kept in separate medical files, and (3) treated as confidential medical records. You represent to this office that the department "collected the requested information in compliance with the ADA." Therefore, based upon your representations, we conclude the requested information is made confidential under the ADA, and it may be released only as provided under that section.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Vickie Prehoditch
Assistant Attorney General
Open Records Division

VDP/alg

Ref.: ID# 116032

Enclosures: Submitted documents

cc: Mr. Jason Sickles
Staff Writer
Dallas Morning News
P.O. Box 655237
Dallas, Texas 75265
(w/o enclosures)